

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 04/19/2021

FRANKIE MONEGRO, *on behalf of himself  
and all others similarly situated,*

Plaintiff,

v.

PREFERRED POPCORN, LLC,

Defendant.

No. 20-CV-10985 (RA)

ORDER


RONNIE ABRAMS, United States District Judge:

On April 5, 2021, the Court noted that this action was filed more than 90 days ago and that the complaint and summons have apparently not been served. *See* Dkt. 6. The Court accordingly directed Plaintiff to complete service and submit proof thereof by April 16, 2021, and warned that failure to do so would result in dismissal of this action. *Id*; *see* Fed R. Civ. P. 4(c)(1) (“The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m).”); Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”).

Following the Court’s notice, Plaintiff has neither filed proof of service nor requested an extension of time in which to do so. Accordingly, this action is dismissed without prejudice. *See Meilleur v. Strong*, 682 F.3d 56, 61 (2d Cir. 2012). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: April 19, 2021  
New York, New York

  
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Ronnie Abrams  
United States District Judge